

MOTION GRANTED

IN THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS



September 14, 2016
Margaret Bartley

Judge

CHAD M. CASEY
Appellant

vs.

ROBERT A. MCDONALD
Secretary of Veterans Affairs,
Appellee

Vet. App. No. 15-3933

APPELLANT'S UNOPPOSED MOTION FOR LEAVE TO FILE CORRECTED BRIEF

Pursuant to U.S. Vet. App. Rule 26(b), Appellant, Chad Casey, respectfully moves this Court for leave to file an amended opening brief out of time. In reviewing the Record of Proceedings filed by the Secretary on September 8, 2016, Appellant discovered that three of the RBA pages cited in his opening brief, and included in the ROP, contained treatment records for a different Veteran. These treatment records were included in Mr. Casey's RBA, but pertain to another Veteran.

Appellant's counsel originally filed the opening brief in this case on March 15, 2016. Appellant cited to these treatment records on pages three and eleven of his opening brief. Therefore, Appellant requests to submit an amended opening brief striking those portions that referred to the other Veteran's treatment records. This amounts to three sentences being stricken from the statement of the case on page three, and two sentences being stricken from the second argument on page eleven. The two sentences being stricken from the argument section are as follows:

In October 2010, Mr. Casey was diagnosed with sleep apnea. R-1440; *see also* R-1438 (December 2010 treatment note reflecting sleep apnea resolved with CPAP). His symptoms during this time included poor sleep, snoring, daytime fatigue, and insomnia. R-1442.

The corrected brief, proposed to be filed, is being submitted in conjunction with this motion. Counsel for Appellant sincerely apologizes to counsel for the Appellee and the Court for any inconvenience caused by this inadvertent error.

The counsel for the Appellee was not opposed to this motion.

WHEREFORE, the Appellant respectfully moves this Court to grant this motion for leave to file Appellant's corrected opening brief, out of time.

Respectfully submitted,
Chad M. Casey
By His Attorneys
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